

FILED BY JF D.G.

05 OCT 14 AM 10:17

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

Lazaro Despaigne Borrero

Plaintiff,

v.

Timothy Smart, Will Lowery, Paul  
Romesburge, Derrell Conner, T.C. Outlaw,  
P. Bartley

Defendant(s)

Case No. 2:05cv2465-MI/V

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**ORDER DENYING DEFAULT JUDGMENT**

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On September 9, 2005, Plaintiff Lazaro Despaigne Borrero, submitted motion for default judgment against all Defendants.

**Entry of Default** may be entered when party whom a judgment is sought has failed to plead or otherwise provided and fact is made to appear by affidavit or otherwise pursuant to FRCP 55 (a).

**Default Judgment** is therefore **DENIED** as there has been no Service of Process or Entry of Default as to the Defendant(s).

Entered this 14th day of October, 2005.

THOMAS M. GOULD  
Clerk of Court

By: Judy Farley  
Deputy Clerk

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## Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 2:05-CV-02465 was distributed by fax, mail, or direct printing on October 14, 2005 to the parties listed.

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Lazaro Despaigne Borrero  
12973-074  
Federal Correctional Institution  
P.O. Box 34550  
Memphis, TN 38184--055

Honorable Jon McCalla  
US DISTRICT COURT